



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



October 22, 2003

LETTER OF DEFICIENCY #WSEB 03-279

Certified Mail #7099 3400 0003 0691 0454

Michael Scala
Close to Home Restaurant
1614 Wakefield Road
Wakefield, NH 03872

Subject: Wakefield - Public Water System: Close to Home Restaurant, (EPA# 2398090)

Dear Mr. Scala:

The records of the NH Department of Environmental Services (DES) show that Close to Home Restaurant, water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326. Pursuant to Env-Ws 351, the failure to submit a chemical sample within the assigned sampling quarter requires that public notice of such failure be given to all consumers.

DES records show that the subject water system failed to submit the following chemical sample result for the following monitoring period (calendar quarter).

Quarter 2 – 2003 – Nitrate

As a result of the failure to submit the above-described sample, a Notice of Violation (NOV), dated **August 1, 2003**, was sent to you (copy enclosed). The NOV requested that you immediately submit the above-described sample as a make-up sample. To date, DES has not received the make-up sample result, thus placing the water system in violation of Env-Ws 326. In addition, the NOV requested you to perform public notice concerning the nitrate sampling violation. To date, no proof of public notice has been received by DES, thus placing the water system in violation of Env-Ws 351.

DES believes the monitoring/reporting deficiencies can be addressed by taking the following actions:

- 1 **By November 5, 2003**, submit a nitrate "make-up sample" to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the sample to your laboratory.

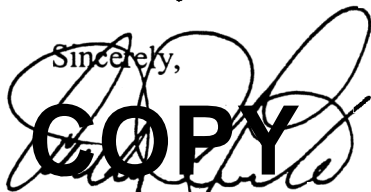
In the event compliance is not achieved within this period, DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to be corrected,

initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please note that submission of the 2003 nitrate "make-up sample" does not relieve you of your obligation to submit a 2004 nitrate sample during the Second Quarter (April – June).

If you have any questions regarding this letter, please contact Betsey McNaughten at (603) 271-0659 or by email at emcnaughtne@des.state.nh.us.

Sincerely,



COPY

Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

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Encls: Notice of Violation, dated August 1, 2003
Analysis Request Form

cc: Gretchen Rule, DES Legal Unit (w/o encl.)
Maurice O'Donnell, Town of Wakefield Health Officer (w/o encl.)
Jeanne D. Lawson, DES WSEB
EPA, Region 1 (w/o encl.)